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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,466	12/20/2005	Johannis Friso Rendert Blacquiere	NL 030755	8217

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

DUNCAN, MARC M

ART UNIT	PAPER NUMBER
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2113

MAIL DATE	DELIVERY MODE
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06/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/561,466

Applicant(s)

BLACQUIERE ET AL.

Examiner

Marc Duncan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 4, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Claims***

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-3, 5-7 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (6,662,309).

Claims 4, 8 and 9 are objected to.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program product does not contain a computer readable medium with readable instructions stored thereon. The computer program product therefore does not have the functional interrelationship necessary in order to realize the functionality of the claimed program instructions.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (6,662,309).

Regarding claim 1:

Ando teaches:

recording means for recording marks in a track on the record carrier representing the information (col. 14 lines 36-39);

control means for controlling the recording by locating each block at a physical address in the track (col. 14 lines 36-39), the control means comprising:

addressing means for translating the logical addresses into the physical addresses and vice versa in dependence of defect management information (col. 16 lines 42-47);

defect management means for detecting defects and maintaining the defect management information in defect management areas on the record carrier, the defect management information at least including remapping information indicative for translating a logical address initially mapped to a physical address exhibiting a defect to an alternate physical address in a defect management area (col. 14 lines 53-60 and col. 17 lines 7-15);

contiguous recording detection means for detecting a series of blocks having a continuous logical address range to be recorded in a corresponding allocated physical address range (col. 19 lines 16-19);

offset means for generating local offset information for, in the event of a defect interrupting the allocated physical address range, adding an offset to a local range of physical addresses in said address translation for skipping the defect and writing the blocks logically following the last block before the defect at physical addresses following the defect (col. 19 lines 50-58); and

end portion recording means for accommodating recording an end portion of at least one block of the continuous logical address range, which end portion extends beyond the allocated physical address range due to the defect (col. 19 lines 23-58).

Regarding claim 2:

Ando teaches:

wherein the end portion recording means are for recording the end portion in a defect management area, in particular in a single defect management area (col. 19 lines 23-58).

Regarding claim 3:

Ando teaches:

wherein the end portion recording means are for remapping a number of blocks following the allocated physical address range, the number corresponding to the number of blocks in the end portion, and for recording the end portion starting at the physical address following the allocated physical address range (col. 19 lines 23-58).

Regarding claim 5:

Ando teaches:

wherein the offset means are for generating at least one offset entry, the offset entry indicating a logical from address and an offset to be added to a physical address for logical addresses equal to or above the logical from address, in particular up to a next logical from address in a next offset entry (col. 19 lines 50-58 – this is how offsets work. If a physical sector is skipped, the next physical address must be offset in order for the logical address to refer to the proper portion of the disk).

Regarding claim 6:

Ando teaches:

wherein the offset means are for generating an entry in the remapping information for a logical address that has been reassigned to a different physical address by the end portion recording means (col. 19 lines 50-58).

Regarding claim 7:

Ando teaches:

wherein the end portion recording means are for detecting a free location on the recording carrier, for recording the end portion in the free location, and for remapping original logical addresses assigned to the free location, in particular remapping an original logical address to the physical address of the defect interrupting the allocated physical address range (col. 19 lines 23-58).

Regarding claim 10:

Ando teaches:

wherein the contiguous recording detection means are for detecting a continuous recordings indicator in a recording command, or for detecting the series of blocks representing real-time information, in particular video information (col. 19 lines 16-19).

Regarding claim 11:

See the teachings outlined above. See also col. 1 lines 23-29. The invention is for a recording/reproducing device, hence any recording/reproducing device that records information by the above described methods must necessarily be able to read the information back using the same techniques.

Regarding claim 12:

The claim is rejected as method of using the apparatus of claim 1.

Regarding claim 13:

The claim is rejected as the computer program product that causes the method of claim 12 to be performed.

***Allowable Subject Matter***

Claims 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

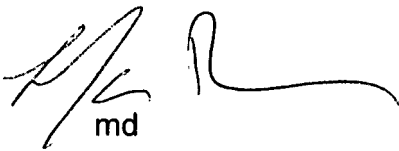
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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